

turned by the court temporarily to the custody of the agency, board, commission, or officer concerned if needed for the transaction of the public business. Certified copies of any papers included in the record or any supplemental record may also be returned to the agency, board, commission, or officer concerned upon the final determination of review or enforcement proceedings.

(d) The provisions of this section are not applicable to proceedings to review decisions of the Tax Court of the United States or to proceedings to review or enforce those orders of administrative agencies, boards, commissions, or officers which are by law reviewable or enforceable by the district courts.

(Added Pub. L. 85-791, § 2, Aug. 28, 1958, 72 Stat. 941; amended Pub. L. 89-773, § 5(a), (b), Nov. 6, 1966, 80 Stat. 1323; Pub. L. 100-236, § 1, Jan. 8, 1988, 101 Stat. 1731.)

## AMENDMENTS

1988—Subsec. (a). Pub. L. 100-236 substituted “If proceedings are instituted in two or more courts of appeals with respect to the same order, the following shall apply:” and pars. (1) to (5) for “If proceedings have been instituted in two or more courts of appeals with respect to the same order the agency, board, commission, or officer concerned shall file the record in that one of such courts in which a proceeding with respect to such order was first instituted. The other courts in which such proceedings are pending shall thereupon transfer them to the court of appeals in which the record has been filed. For the convenience of the parties in the interest of justice such court may thereafter transfer all the proceedings with respect to such order to any other court of appeals.”

1966—Subsec. (a). Pub. L. 89-773, § 5(a), substituted “The rules prescribed under the authority of section 2072 of this title may provide for the time and manner of filing” for “The several courts of appeal shall have power to adopt, with the approval of the Judicial Conference of the United States, rules, which so far as practicable shall be uniform in all such courts prescribing the time and manner of filing.” See section 2072 of this title.

Subsec. (b). Pub. L. 89-773, § 5(b), substituted “the rules prescribed under the authority of section 2072 of this title” for “the said rules of the court of appeals” and for “the rules of such court”.

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 3 of Pub. L. 100-236 provided that: “The amendments made by this Act [amending this section and section 1369 of Title 33, Navigation and Navigable Waters] take effect 180 days after the date of the enactment of this Act [Jan 8, 1988], except that the judicial panel on multidistrict litigation may issue rules pursuant to subsection (a)(3) of section 2112 of title 28, United States Code (as added by section 1), on or after such date of enactment.”

## SAVINGS PROVISION

Section 5(c) of Pub. L. 89-773 provided that: “The amendments of section 2112 of title 28 of the United States Code made by this Act shall not operate to invalidate or repeal rules adopted under the authority of that section prior to the enactment of this Act [Nov. 6, 1966], which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.”

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346 of this title; title 5 section 7123; title 7 sections 8, 9, 136n, 194, 228b-3, 1115, 1600, 1601; title 12 sections 1467a, 1786, 1818, 1848,

2266, 2268, 4583, 4634; title 15 sections 21, 45, 57a, 78y, 79x, 80a-42, 80b-13, 687e, 717r, 1193, 1262, 1474, 1710, 1825, 2060, 2618, 3416; title 16 sections 773f, 825l, 1536, 1858, 2437, 3142, 3373, 5010, 5507; title 19 sections 81r, 1677f; title 20 sections 1234g, 1412, 1416, 7372, 7711, 8896; title 21 sections 346a, 348, 355, 360g, 360kk, 371; title 22 section 1631f; title 25 section 4161; title 26 section 3310; title 27 section 204; title 29 sections 160, 210, 660, 667, 727, 1578; title 30 sections 816, 1462; title 31 section 1263; title 33 section 921; title 39 section 3628; title 40 section 333; title 42 sections 263a, 263b, 291h, 504, 1316, 1320a-7a, 1320a-8, 2022, 3027, 3785, 5311, 5405, 6029, 6306, 6869, 7525, 8412, 9152; title 43 sections 355, 1349; title 46 App. section 1181; title 47 section 402; title 49 section 46110.

## § 2113. Definition

For purposes of this chapter, the terms “State court”, “State courts”, and “highest court of a State” include the District of Columbia Court of Appeals.

(Added Pub. L. 91-358, title I, § 172(a)(2)(A), July 29, 1970, 84 Stat. 590.)

## EFFECTIVE DATE

Section effective the first day of the seventh calendar month which begins after July 29, 1970, see section 199(a) of Pub. L. 91-358, set out as an Effective Date of 1970 Amendment note under section 1257 of this title.

## PART VI—PARTICULAR PROCEEDINGS

Chap.		Sec.
<b>151.</b>	<b>Declaratory Judgments .....</b>	<b>2201</b>
<b>153.</b>	<b>Habeas Corpus .....</b>	<b>2241</b>
<b>154.</b>	<b>Special habeas corpus procedures in capital cases .....</b>	<b>2261.<sup>1</sup></b>
<b>155.</b>	<b>Injunctions; Three-Judge Courts ....</b>	<b>2281</b>
<b>157.</b>	<b>Surface Transportation Board Orders; Enforcement and Review ....</b>	<b>2321</b>
<b>158.</b>	<b>Orders of Federal Agencies; Review .....</b>	<b>2341</b>
<b>159.</b>	<b>Interpleader .....</b>	<b>2361</b>
<b>161.</b>	<b>United States as Party Generally ...</b>	<b>2401</b>
<b>163.</b>	<b>Fines, Penalties and Forfeitures .....</b>	<b>2461</b>
<b>165.</b>	<b>United States Court of Federal Claims Procedure .....</b>	<b>2501</b>
<b>[167.]</b>	<b>Repealed.]</b>	
<b>169.</b>	<b>Court of International Trade Procedure .....</b>	<b>2631</b>
<b>171.</b>	<b>Tort Claims Procedure .....</b>	<b>2671</b>
<b>173.</b>	<b>Attachment in Postal Suits .....</b>	<b>2710</b>
<b>175.</b>	<b>Civil Commitment and Rehabilitation of Narcotic Addicts .....</b>	<b>2901</b>
<b>176.</b>	<b>Federal Debt Collection Procedure</b>	<b>3001</b>
<b>178.</b>	<b>Professional and Amateur Sports Protection .....</b>	<b>3701</b>
<b>179.</b>	<b>Judicial Review of Certain Actions by Presidential Offices .....</b>	<b>3901</b>
<b>180.</b>	<b>Assumption of Certain Contractual Obligations .....</b>	<b>4001</b>

## SENATE REVISION AMENDMENT

Chapters 169, 171 and 173 were renumbered “167”, “169” and “171”, respectively, without change in their section numbers, by Senate amendment. See 80th Congress Senate Report No. 1559.

## AMENDMENTS

1998—Pub. L. 105-304, title IV, § 406(b), Oct. 28, 1998, 112 Stat. 2905, added item for chapter 180.

<sup>1</sup> So in original.

1996—Pub. L. 104-331, §3(e), Oct. 26, 1996, 110 Stat. 4071, added item for chapter 179.

Pub. L. 104-132, title I, §107(b), Apr. 24, 1996, 110 Stat. 1226, as amended Pub. L. 104-294, title VI, §605(k), Oct. 11, 1996, 110 Stat. 3510, added item for chapter 154.

1995—Pub. L. 104-88, title III, §305(c)(2), Dec. 29, 1995, 109 Stat. 945, which directed amendment of the item for chapter 157 in the table of chapters of this title by substituting “Surface Transportation Board” for “Interstate Commerce Commission”, was executed by making the substitution in the table of chapters for this part to reflect the probable intent of Congress.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” in item for chapter 165.

Pub. L. 102-559, §2(b), Oct. 28, 1992, 106 Stat. 4228, substituted “Procedure” for “Procedures” in item for chapter 176 and added item for chapter 178.

1990—Pub. L. 101-647, title XXXVI, §3302 [3612], Nov. 29, 1990, 104 Stat. 4964, added item for chapter 176.

1982—Pub. L. 97-164, title I, §§139(o)(1), 140, Apr. 2, 1982, 96 Stat. 44, substituted “United States Claims Court Procedure” for “Court of Claims Procedure” in item for chapter 165 and struck out item for chapter 167 “Court of Customs and Patent Appeals Procedure”.

1980—Pub. L. 96-417, title V, §501(25), Oct. 10, 1980, 94 Stat. 1742, substituted “Court of International Trade Procedure” for “Customs Court Procedure” in item for chapter 169.

1966—Pub. L. 89-793, title VI, §603, Nov. 8, 1966, 80 Stat. 1450, added item for chapter 175.

Pub. L. 89-554, §4(d), Sept. 6, 1966, 80 Stat. 621, added item for chapter 158.

1960—Pub. L. 86-682, §10, Sept. 2, 1960, 74 Stat. 708, added item for chapter 173.

#### CROSS REFERENCES

Arbitration proceedings, see section 3 et seq. of Title 9, Arbitration.

Bankruptcy proceedings, see Bankruptcy Rules and Official Bankruptcy Forms, Appendix to Title 11, Bankruptcy.

Labor disputes, procedure, see sections 159 and 160 of Title 29, Labor.

Railway labor disputes, court procedure after arbitration, see section 159 of Title 45, Railroads.

See, also, rule 81 of the Federal Rules of Civil Procedure, Appendix to this title.

### CHAPTER 151—DECLARATORY JUDGMENTS

Sec.	
2201.	Creation of remedy.
2202.	Further relief.

#### § 2201. Creation of remedy

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

(b) For limitations on actions brought with respect to drug patents see section 505 or 512 of the Federal Food, Drug, and Cosmetic Act.

(June 25, 1948, ch. 646, 62 Stat. 964; May 24, 1949, ch. 139, §111, 63 Stat. 105; Aug. 28, 1954, ch. 1033, 68 Stat. 890; Pub. L. 85-508, §12(p), July 7, 1958, 72 Stat. 349; Pub. L. 94-455, title XIII, §1306(b)(8), Oct. 4, 1976, 90 Stat. 1719; Pub. L. 95-598, title II, §249, Nov. 6, 1978, 92 Stat. 2672; Pub. L. 98-417, title I, §106, Sept. 24, 1984, 98 Stat. 1597; Pub. L. 100-449, title IV, §402(c), Sept. 28, 1988, 102 Stat. 1884; Pub. L. 100-670, title I, §107(b), Nov. 16, 1988, 102 Stat. 3984; Pub. L. 103-182, title IV, §414(b), Dec. 8, 1993, 107 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 28, U.S.C., 1940 ed., §400 (Mar. 3, 1911, ch. 231, §274d, as added June 14, 1934, ch. 512, 48 Stat. 955; Aug. 30, 1935, ch. 829, §405, 49 Stat. 1027).

This section is based on the first paragraph of section 400 of title 28, U.S.C., 1940 ed. Other provisions of such section are incorporated in section 2202 of this title.

While this section does not exclude declaratory judgments with respect to State taxes, such suits will not ordinarily be entertained in the courts of the United States where State law makes provision for payment under protest and recovery back or otherwise affords adequate remedy in the State courts. See *Great Lakes Dredge & Dock Co. v. Huffman*, La. 1943, 63 S.Ct. 1070, 319 U.S. 293, 87 L.Ed. 1407. See also *Spector Motor Service v. McLaughlin*, Conn. 1944, 65 S.Ct. 152, 323 U.S. 101, 89 L.Ed. 101. See also section 1341 of this title forbidding district courts to restrain enforcements of State taxes where State courts afford plain, speedy, and efficient remedy.

Changes were made in phraseology.

##### 1949 ACT

Section corrects a typographical error in section 2201 of title 28, U.S.C.

#### REFERENCES IN TEXT

Section 7428 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 7428 of Title 26, Internal Revenue Code.

Section 516A(f)(10) of the Tariff Act of 1930, referred to in subsec. (a), is classified to section 1516a(f)(10) of Title 19, Customs Duties.

Sections 505 and 512 of the Federal Food, Drug, and Cosmetic Act, referred to in subsec. (b), are classified to sections 355 and 360b, respectively, of Title 21, Food and Drugs.

#### AMENDMENTS

1993—Subsec. (a). Pub. L. 103-182 substituted “merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930),” for “Canadian merchandise.”

1988—Subsec. (a). Pub. L. 100-449 substituted “1986,” for “1954 or” and inserted “or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of Canadian merchandise, as determined by the administering authority,” after “title 11.”

Subsec. (b). Pub. L. 100-670 inserted “or 512” after “505”.

1984—Pub. L. 98-417 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95-598 inserted reference to proceedings under section 505 or 1146 of title 11.

1976—Pub. L. 94-455 substituted “taxes other than actions brought under section 7428 of the Internal Revenue Code of 1954” for “taxes”.

1958—Pub. L. 85-508 struck out provisions which related to District Court for Territory of Alaska. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1954—Act Aug. 28, 1954, extended provisions to Alaska.

1949—Act May 24, 1949, corrected spelling of “or” in second sentence.